THE PREAMBLE AND THE TITLE WERE ADDED TO THE BILL.

Mr. Puthupalli S. Krishna Pillai : Sir, I move that the Bill be passed.

Mr. P. J. Thomas : I second it.

The question that the Bill be passed was put to vote and carried. The Bill was passed.

THE TRAVANCORE PAYMENT OF WAGES BILL.

Mr. Puthupally S Krishna Pillai : I move that the Travancore Payment of Wages Bill as passed by the Assembly be taken into consideration.

Mr. P. J. Thomas : I second it.

The question that the Bill be taken into consideration was put and carried.

Clauses 1 to 25.

The question that Clauses 1 to 25 do stand part of the Bill was put to vote and carried.

Clauses 1 to 25 were added to the Bill.

PREAMBLE AND TITLE.

The question that the title and Preamble do stand part of the Bill was put to vote and carried.

THE PREAMBLE AND THE TITLE WERE ADDED TO THE BILL.

Mr. Puthupally S. Krishna Pillai ; Sir, I move that the Travancore Payment of Wages Bill be passed.

Mr. P. J. Thomas : I second it.

The question that the Bill be passed was put to vote and carried. The Bill was passed.

THE TRAVANCORE DISTRICT MUNICIPALITIES BILL.

Mr. Puthupally S. Krishna Pillai : Sir, I move that the Travancore District Municipalities Bill as passed by the Sri Mulam Assembly be taken into consideration. I may be permitted to state that in the Bill as revised by the Joint Committee of members of this House and Sri Mulam Assembly, the Assembly at its second reading has made certain changes. This House is supplied with a list of the changes made by the other House at the second reading of this Bill, In the printed list supplied, amendments 11 to 23 are amendments made in the Schedules I and II. The Honourable members might have noted that these Schedules are liable to be amended by Government. This is in exercise of the

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[Mr. Puthupally S. Krishna Pillai.]

powers conferred on Government by one of the enacting provisions. They are merely rules for the realisation of taxes, the conduct of business of municipalities and the manner in which any tax has to be imposed. It is provided that they are matters which Government themselves may modify if they are satisfied that there is necessity for so doing.

Amendment 24 is the inclusion of a penalty for the contravention of the provisions of Section 17 (1). This has been made at my instance. After perusing the whole Bill, I found there was an omission and so I moved that it might be provided for. Amendments 9 and 10 are merely to rectify minor mistakes.

Amendments 1 to 8 are some changes brought about in the Bill. The first amendment is only formal because it is only to insert or to indicate the year in which the Act is passed.

As regards qualification and the appointment of a Commissioner, a slight change was made.

Then Clause 36 sub clause (1). That is merely to make one part of the clause agree with the remaining portion of the same clause.

In Clause 49, in describing the qualification of voters one more qualification has been added, and that is providing for the exercise of franchise by any graduate of a recognised University even though he does not pay the prescribed taxes. That is the existing practice in the District Municipality and the House thought that if such persons are excluded it is likely that the number of voters would be limited. The House thought that such a change is necessary.

Clauses 52 and 53 deal with the disqualification for Councillorship. One clause which has been introduced by the Joint Committee *viz.*, if a candidate is a paid servant or an agent or a dependent of any councillor he shall be disqualified to stand. This the other House thought was likely to be misused. That was therefore omitted.

Clause 53 provides that if such a contingency happens in the case of any member of the Council it will disqualify him at once. This it was thought might be abused and might lead to ultimate disunion among the members of the Council. It was therefore thought that these two disqualifications may be omitted. It was thought that as a first measure it may be dropped and that subsequently if it is found necessary better provisions or similar provisions may be adopted.

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In clause 69 the Joint Committee have provided that the power of appointment of officers in the Municipality who are to be paid a sum of Rs. 60 or more shall be exercised by the Chairman or the Commissioner, if there is one or the Council elected for that purpose. It was thought by the other House that under such provision there will be always difficulties. Hence the amendment.

Amendment to Clause 147 does not affect the principle. It merely makes an additional provision for lighting the streets jointly by two Municipalities by entering into some agreement, approved by Government and subject to such conditions as may be laid down by Government. The House may be pleased to consider the Bill. I move Sir that the Bill may be taken into consideration.

Mr. T. W. U. Park (*Travancore Planters*): I move that the consideration of this Bill be adjourned. It was received only today and there has not been sufficient time to consider the Bill as amended. I think it is necessary that the House must be given more opportunity to think about the Bill and then to send up any amendment. The members of this House may be aware that there is legislation pending before the Central Assembly at this moment. The Bill has been circulated. It provides for certain limitation on financial powers of Municipalities.

President: Order order. I take it that the honourable member is adverting to the Bill which is now under consideration curtailing the powers of the provinces and the Municipalities to levy what may be called an indirect form of income tax in the guise of a profession tax. That is what you mean?

Mr. T. W. U. Park: Yes Sir. In the British Indian Act of 1940 there is such a limitation which points,

President: Order order. The point is that undoubtedly the position has arisen in British India; but it cannot arise here. Moreover the honourable member has to see that the schedule is capable of modifications or amendments by this Government, and therefore if any particular injustice or inequitable instance is brought to the notice of Government, Government who are as anxious as the Central Government in fixing the line of demarcation between the purview of taxation by local authorities and at the centre will make it clear

Mr. T. Muhammed Ismail (*Nominated*): I support the motion for adjournment, because there are so many amendments and it will be quite fair to give us some time to consider them.

Mr. Kottur Kunjukrishna Pillai: Sir, I oppose the motion for adjournment. This Bill has been referred to a Joint

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[Mr. Kottor Kunjukrishna Pillai]

Select Committee consisting of members of this House also and the Bill as passed by the Joint Select Committee had been given to us at the time when we met last, that is some days ago. We had time to send up amendments if necessary on fundamental issues. With regard to the amendments made by the other House, as has been explained by the Legal Remembrancer, we find that there is no amendment of fundamental principles involved It is possible for any Member to take objection to any clause as amended as it is moved and put to the House. I think there are no substantial reasons to ask for an adjournment of the House considering the nature of the amendments effected elsewhere. Therefore, though this house may take an entirely different attitude with regard to bills not scrutinised by joint Select Committees, this bill in as much as it has been scrutinised by the representatives of this house also ought not to be objected on the ground of want of notice. It may be quite a different matter when the Criminal Procedure Code or the Penal Code which are not referred to a Joint Select Committee consisting of members of this house comes up before the house. But with regard to this we have been given opportunity to go into the Bill. I do not think that there is any ground in saying that we have not been given sufficient time and the amendments effected by the other house are not so fundamental as to require much time for consideration. I think, if at all there is anything, they may be taken up when the clauses are put.

President: Before the discussion proceeds further I may point out one or two matters. This Bill as has been pointed out, was referred to a Joint Committee which bestowed considerable labour on the Bill. Honourable members of this house need not be reminded that the state of things in many Municipalities is such that some reorganisation has become necessary and it is the hope and expectation of the Government that this Bill will achieve that end. It is not likely that there would be another Session of this House before the Budget Session. The result is that until July the whole matter will be held up and I can assure the Honourable Members of this house that what is taking place in one or two Municipalities is of such a character that drastic action has to be taken by Government. Naturally Government are very reluctant to take any action. Moreover as has been pointed out in one or two cases of amendments the powers of the executive authorities have been curtailed. For instance, with regard to the Division Peishkars, under the original Bill they could enter into any immoveable property and make examination. Elsewhere it was decided that that should be done only with the specific authority of Goverernment. It is also pointed out that in regard to the electorate graduates have been added.

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With regard to the point raised by Mr. Park, the position is that the schedule is alterable at the instance of this Government, if they are satisfied that there is any injustice or any exacting demand by the Municipalities. I do not wish to curtail the completest freedom of discussion on the Bill and although I do not stand in the way of any motion for adjournment being passed, I have thought it my duty to point out that unless this Honourable House is convinced that postponement is essential in order to do justice to the undoubtedly important provisions of the Bill, they should not adjourn the further consideration of the bill.

The question that the District Municipalities Bill be considered was put to vote and carried.

President: If any of the honourable members desires to speak on any particular clause he may invite my attention.

Clauses 1 to 393,

The question that Clauses 1 to 393 do stand part of the Bill was put to vote and carried.

Clauses 1 to 393 were added to the Bill.

The question that Schedule 5 do stand part of the Bill was put to vote and carried.

SCHEDULE 5 STAND PART OF THE BILL.

Preamble and the Title.

The question that the title and the preamble do stand part of the Bill was put to vote and carried.

The title and the preamble were added to the Bill.

Mr. Puthupally S. Krishna Pillai: I move Sir, that the District Municipalities Bill may be passed.

Mr. P. J. Thomas: I second it.

The question that the District Municipalities Bill may be passed was put to vote and carried. The Bill was passed.

THE TRAVANCORE TRADE MARKS BILL.

Mr. Puthupalli S. Krishna Pillai: Sir, I rise to introduce the Travancore Trade Marks Bill. I may be permitted to state, Sir, that this Bill is intended to further encourage the growth of trade in the country. This House will remember that various enactments calculated to foster and better the condition of trade and commerce in the State have been enacted. The question of the enactment of a Trade Marks Bill was for long under the consideration of Government. They had to delay the matter as in

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